

HOUSE BILL 523

E1
HB 1014/09 – JUD

0lr1900

By: **Delegates Shank, Aumann, Bates, Beitzel, Costa, Dwyer, Elliott, Elmore, Frank, George, Haddaway, Jenkins, Jennings, Kelly, Kipke, Krebs, McComas, Miller, Myers, Norman, Schuh, Serafini, Shewell, Smigiel, Sossi, Stocksdales, and Stull**

Introduced and read first time: February 1, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Justice's Law**

3 FOR the purpose of increasing the maximum penalty for first degree child abuse
4 resulting in death of the victim; increasing the maximum penalty for a
5 subsequent conviction of child abuse resulting in death of the victim; and
6 generally relating to child abuse.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Law
9 Section 3–601
10 Annotated Code of Maryland
11 (2002 Volume and 2009 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article – Criminal Law**

15 3–601.

16 (a) (1) In this section the following words have the meanings indicated.

17 (2) “Abuse” means physical injury sustained by a minor as a result of
18 cruel or inhumane treatment or as a result of a malicious act under circumstances
19 that indicate that the minor’s health or welfare is harmed or threatened by the
20 treatment or act.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) “Family member” means a relative of a minor by blood, adoption,
2 or marriage.

3 (4) “Household member” means a person who lives with or is a regular
4 presence in a home of a minor at the time of the alleged abuse.

5 (5) “Severe physical injury” means:

6 (i) brain injury or bleeding within the skull;

7 (ii) starvation; or

8 (iii) physical injury that:

9 1. creates a substantial risk of death; or

10 2. causes permanent or protracted serious:

11 A. disfigurement;

12 B. loss of the function of any bodily member or organ; or

13 C. impairment of the function of any bodily member or
14 organ.

15 (b) (1) A parent or other person who has permanent or temporary care or
16 custody or responsibility for the supervision of a minor may not cause abuse to the
17 minor that:

18 (i) results in the death of the minor; or

19 (ii) causes severe physical injury to the minor.

20 (2) Except as provided in subsection (c) of this section, a person who
21 violates paragraph (1) of this subsection is guilty of the felony of child abuse in the
22 first degree and on conviction is subject to:

23 (i) imprisonment not exceeding 25 years; or

24 (ii) if the violation results in the death of the victim,
25 imprisonment [not exceeding 30 years] **FOR LIFE**.

26 (c) A person who violates this section after being convicted of a previous
27 violation of this section is guilty of a felony and on conviction is subject to:

28 (1) imprisonment not exceeding 25 years; or

1 (2) if the violation results in the death of the victim, imprisonment
2 [not exceeding 30 years] **FOR LIFE.**

3 (d) (1) (i) A parent or other person who has permanent or temporary
4 care or custody or responsibility for the supervision of a minor may not cause abuse to
5 the minor.

6 (ii) A household member or family member may not cause abuse
7 to a minor.

8 (2) Except as provided in subsection (c) of this section, a person who
9 violates paragraph (1) of this subsection is guilty of the felony of child abuse in the
10 second degree and on conviction is subject to imprisonment not exceeding 15 years.

11 (e) A sentence imposed under this section may be separate from and
12 consecutive to or concurrent with a sentence for any crime based on the act
13 establishing the violation of this section.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2010.